IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5162 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

LEENA VALJIBHAI PATEL

Versus

SATISH SAXENA OR HIS SUCCESSOR IN OFFICE

Appearance:

MR JITENDRA MALKAN for Petitioner

MR MUKESH R SHAH for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 23/01/2001

ORAL JUDGEMENT

#. For preparing a panel of Casual News Readers, Ahmedabad Doordarshan gave an advertisement, inviting applications for empanelment of the panel of News Readers. The advertisement was telecasted on Ahmedabad Doordarshan in various bulletins. Requisite criteria was

also referred, which is mentioned in Para-2(e) of the writ petition. The grievance of the petitioner is that, though she fulfilled all the five criteria and also possessed special qualification indicated in the advertisement, still she was not called for interview. Therefore, this action of the respondents, according to the petitioner is arbitrary, in as much as, candidates possessing less qualifications and merits were called for interview. The only grievance is that, the petitioner should have been called for interview, and thus, by interviewing her, suitable decision could have been taken and she might or might not have been empaneled after interviewing her. It is this arbitrary action of the respondent which is under challenge in this petition.

#. Brother K.M.Mehta, J., on 25-5-2000, without admitting the petition or without issuing any notice, directed the petitioner to make a representation to the authorities in connection with the appointment of panel of News Readers with Doordarshan. Accordingly, the petitioner made a representation Annexure-'B', which was rejected on 26-5-2000 which is Part of Annexure-'B'.

#. In course of argument, Shri Jitendra Malkan, learned counsel for the petitioner has alleged that the action of the respondents in not calling the petitioner for interview is not only arbitrary but, also suffers from the vice of malafide. However, allegation of malafide could not be substantiated by him. Consequently, the only point for consideration is, whether the action of the respondents in not calling the petitioner for interview is arbitrary or it is in accordance with the guidelines as argued by Shri MR Shah, learned counsel for the respondent. No doubt, in Para-2(e) of the petition, requisite criteria for selection to the panel has been quoted, which has not been controverted. But, the question is, whether any person possessing these qualifications must necessarily be called for interview. In Para-6 of the counter affidavit, the procedure for selection of Casual News Readers and guidelines are reproduced. An Internal Committee of JD(N), Producer News and Senior ANE is constituted to short list candidates fulfilling the stipulated qualifications. This condition, therefore, shows that all the applicants are not to be called for interview but, they have to be short listed no matter they fulfill stipulated qualifications.

#. The second criteria is for interviewing short listed candidates to assess their personality, knowledge of current affairs and voice quality. Thus, at the second

stage, short listed candidates have to be interviewed to assess their personality and knowledge of current affairs, so also voice quality.

#. The third criteria is that, those who qualify in preliminary interview have to be recorded on camera reading the news, which shall be considered.

#. The next is that, news reading for five minutes in the language concerned will be examined by an expert committee of non-official and official members. Constitution of expert committee is also disclosed in the guidelines. These guidelines, therefore, justify the respondents to short list the candidates and then only short listed candidates were to be called for interview for assessing their personality, knowledge of current affairs and voice quality, etc. Then comes the third stage of interview to be recorded on camera reading the news for five minutes. It has come in the counter affidavit that, in all 123 applications were received by the respondents. A committee of three members, whose names are given in Para-6 of the counter affidavit was constituted. As a result of short listing, out of 123 applicants only 23 applicants were called for interview. Out of these 23 applicants, 12 applicants were called on Screening Audition Test and thereafter interview committee has selected only six applicants. In this way, after passing through the three stages, out of 23 applicants only six were selected and placed on the panel of Casual News Readers. In view of this assertion in the counter affidavit, it can not be said that selection process was either malafide or arbitrary or in violation of the guidelines. The application of the petitioner was considered and it was outrightly rejected on merits at the initial stage of short listing by the Screening Committee. The Selection Committee considered so many other grounds including photogenic personality, educational qualification, etc. It appears that photogenic personality exhibited from the application of the petitioner was one of the grounds for short listing her, and this was also indicated in the order rejecting the representation made by the petitioner subsequently vide Annexure-'B'.

#. In my opinion, this is a futile litigation because, even if the petitioner would have been called for interview, she could not compel the authorities to empanel her. Moreover, it was not a regular employment but, empanelment of Casual News Readers, who were to get Rs.800=00 per performance, and not that the candidate on the panel could force the respondent to call him or her

for giving performance. It is mentioned in Para-7 of the counter affidavit that, if the performance is not good, even selected Casual News Readers may not be called by the Doordarshan, even after one or two news bulletins. Consequently, no good purpose will be served in directing the respondents to call the petitioner for interview, more particularly, when the selection process was strictly followed by the respondents. I do not find any merit in this petition, which is hereby dismissed. No order as to costs.

January 23, 2001. [D.C. Srivastava, J.]

/sakkaf